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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARL LEOPOLD,

Plaintiff,

No. 2:11-cv-0846 JFM P

vs.

A. NANGALAMA,

Defendant.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff claims that his rights under the Eighth Amendment are being violated by defendant Nangalama’s failure to provide him with adequate medical care for severe chronic back pain resulting from three torn discs and curvature of his spine. The parties have filed cross-motions for summary judgment and plaintiff has filed a motion for temporary restraining order. By the latter motion, plaintiff seeks an order requiring prison officials to have plaintiff seen by an orthopedic specialist and by a doctor other than defendant Nangalama.<sup>1</sup>

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<sup>1</sup> On December 7, 2012, plaintiff filed a notice of change of address indicating that he has been transferred to California State Prison-Solano (CSP-Solano). The events in the complaint arose at California State Prison-Sacramento (CSP-Sacramento). Since plaintiff is no longer at CSP-Sacramento plaintiff’s request for an order requiring that he be treated by a physician other than defendant Nangalama may be moot.

1 Defendant's motion for summary judgment is predicated on evidence of plaintiff's  
2 medical care provided to plaintiff through approximately April 1, 2009. This action was filed in  
3 March 2011. Review of plaintiff's opposition to defendant's motion and of plaintiff's cross-  
4 motion shows that there may be a dispute over the adequacy of plaintiff's medical care from  
5 April 2009 through the present. Defendant's motion for summary judgment is silent about the  
6 care provided to plaintiff for this period, and plaintiff's cross-motion is accompanied only by his  
7 own declaration averring to his continuing back and the absence of any further MRI since April  
8 2009.

9 Good cause appearing, the parties will be directed to file, within fifteen days,  
10 evidence of medical care provided to plaintiff for his lower back pain, if any, from April 1, 2009  
11 until the time of plaintiff's transfer to CSP-Solano. The parties may, as appropriate include with  
12 such evidence supplemental briefs in support of or opposition to the pending motions for  
13 summary judgment. In addition, defendant shall within the same time file and serve a response  
14 to plaintiff's November 19, 2012 motion for temporary restraining order.

15 In accordance with the above, IT IS HEREBY ORDERED that:

16 1. Within fifteen days from the date of this order the parties shall file evidence of  
17 medical care provided to plaintiff for his lower back pain, if any, from April 1, 2009 until the  
18 time of plaintiff's transfer to CSP-Solano. The parties may, as appropriate, include with such  
19 evidence supplemental briefs in support of or opposition to the pending motions for summary  
20 judgment.

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2. Within fifteen days from the date of this order defendants shall file and serve a response to plaintiff's November 19, 2012 motion for temporary restraining order.

DATED: January 23, 2013.

  
UNITED STATES MAGISTRATE JUDGE

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